

2. (amended) The device for closing a bag in Claim 1 wherein said ring or other grasping means is attached to the device by a second elongated strap of flexible material, narrower than the device, that is sewn, glued or otherwise attached to the device.

Remarks

Applicant has amended the claims as reflected above to define the invention more particularly and distinctly so as to overcome the technical rejections and to define the invention patentability over the prior art.

Cole Does Not Anticipate Novel Feature of Present Invention

The Office Action rejects the claims as being anticipated by Cole (US 5,604,961), which discloses a device similar to the present application. However, Claim No. 1 of Cole (C. 10, L. 5) makes clear that device is one on which both surfaces are "completely covered" by the hook and loop material. As disclosed in the detailed description in the Application, the present device includes a hook or loop segment that is shorter than the full length of the device (see Page 6, lines 1 and 2 of the Application). The reasons for this are: (a) it lowers the cost of materials by decreasing the amount of hook or loop material required, (b) lowers the cost of manufacturing by decreasing the amount of sewing or gluing required to attach the hook or loop material to the flexible substrate comprising the flexible member, and (c) permits exposure of the second strap of material to which the ring is attached.

Grasping Means is Attached by Separate, Narrower Strap

While Cole does include reference to the end ring being attached by wrapping the flexible material around the ring and permanently attaching said ring by gluing or sewing, Claim 2 of the present invention is distinct in that it describes the ring being attached by a separate strap that is not the substrate of which the device is made. This permits use of a smaller ring because the ring does not need to be the full width of the underlying substrate and rather only needs to be wide enough to accommodate the second strap of material. A further advantage to the strap is that, because it is exposed, it can be used to customize the appearance of the device by changing the color scheme of the device or permitting customized printing on the second strap.

Other Referenced Prior Art is Distinct

The Office Action Summary included some additional prior art references (Patricy, US 4,878,274; Bryant, US 4,963,410; Spiller, US 6,449,815; Awamura, JP 410324364A). All of these prior references disclose devices in which one end of the device wraps through a ring and the hook and loop engage after one end of the device passes through and wraps around said ring. These devices are distinct from the present invention. Such devices typically provide even greater holding power than the present device because the device wraps back around itself. However, they share a deficiency addressed by the present invention: they are more difficult to wrap around the bag because of the need to wrap the device through and around itself, and are more difficult to release because of the need to run the end of the strap back through the attaching ring to disengage. As noted in the Application (see Page 6, second paragraph), the present invention does not require threading the device through itself and is easily disengaged by simply pulling outward on the gripping ring. Ease of use is an important feature of the present invention.

Summary

In order to address the foregoing matters, Claim 1 is amended to clarify that the hook or loop material does not extend the entire length of the device, and Claim 2 is amended to clarify that the second strap used to attach the ring is narrower in width than the underlying device. A marked version of the revised claims is attached as Exhibit A hereto.

Respectfully,



Vicky Kunold
Pro Se Applicant

Certificate of Mailing

I hereby certify that this correspondence, its attachments and a petition for extension of time is being deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231" on the date below

Date: August 23, 2004

By: 
Vicky Kunold

Exhibit A

Amended Claims:

1. A device for closing bags comprising:
 - (a) an elongated generally flat member made of flexible material,
 - (b) said member having attached on one end a ring or other grasping means, and
 - (c) said member having attached on its opposing sides hook and loop material, with one side of the device being only partially covered by the hook or loop material, such that upon wrapping the device around the open end of a bag and bringing together the opposing ends of the device in a manner that cinches closed the open end of the bag the hook and loop engage and maintain closure of the bag.
2. The device for closing a bag in Claim 1 wherein said ring or other grasping means is attached to the device by a second elongated strip of flexible material, narrower than the device, that is sewn, glued or otherwise attached to the device.